STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GREGG (for himself and Mr. DODD):

S. 2554. A bill to amend title XI of the Social Security Act to prohibit the display of an individual's Social Security number for commercial purposes without the consent of the individual; to the Committee on Finance.

AMY BOYER'S LAW

Mr. GREGG. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2554

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as ''Amy Boyer's Law''.

SEC. 2. PROTECTING PRIVACY BY PROHIBITING DISPLAY OF THE SOCIAL SECURITY NUMBER TO THE GENERAL PUBLIC FOR COMMERCIAL PURPOSES WITHOUT CONSENT.

(a) IN GENERAL.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end the following:

''PROHIBITION OF CERTAIN MISUSES OF THE SOCIAL SECURITY NUMBER

''SEC. 1150A. (a) LIMITATION ON DISPLAY.—Except as otherwise provided in this section, no person may display to the public any individual's social security number, or any identifiable derivative of such number, without the affirmatively expressed consent, electronically or in writing, of such individual.

''(b) PROHIBITION OF WRONGFUL USE AS PERSONAL IDENTIFICATION NUMBER.—No person may obtain any individual's social security number, or any identifiable derivative of such number, for purposes of locating or identifying an individual with the intent to physically injure, harm, or use the identity of the individual for illegal purposes.

''(c) PREREQUISITES FOR CONSENT.—In order for consent to exist under subsection (a), the person displaying, or seeking to display, an individual's social security number, or any identifiable derivative of such number, shall—

''(1) inform the individual of the general purposes for which the number will be utilized and the types of persons to whom the number may be available; and

''(2) obtain affirmatively expressed consent electronically or in writing.

''(d) EXCEPTIONS.—Nothing in this section shall be construed to—

''(1) prohibit any use of social security numbers permitted or required under section 205(c)(2), section 7(a)(2) of the Privacy Act of 1974 (5 U.S.C. 552a note; 88 Stat. 1909), or section 6109(d) of the Internal Revenue Code of 1986;

''(2) modify, limit, or supersede the operation of, or the conduct of any activity permitted under, the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) or title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.);

''(3) except as set forth in subsection (b), prohibit or limit the use of a social security number to retrieve information about an individual without displaying such number to the public;

''(4) prohibit or limit the use of the social security number for purposes of law enforcement, including investigation of fraud; or

''(5) prohibit or limit the use of a social security number obtained from a public record or document lawfully acquired from a governmental agency.

''(e) CIVIL ACTION IN UNITED STATES DISTRICT COURT; DAMAGES; ATTORNEYS FEES AND COSTS; REGULATORY COORDINATION.—

''(1) IN GENERAL.—Any individual aggrieved by any act of any person in violation of this section may bring a civil action in a United States district court to recover—

''(A) such preliminary and equitable relief as the court determines to be appropriate; and

''(B) the greater of—

''(i) actual damages;

''(ii) liquidated damages of $2,500; or

''(iii) in the case of a violation that was willful and resulted in profit or monetary gain, liquidated damages of $10,000.

''(2) ATTORNEY'S FEES AND COSTS.—In the case of a civil action brought under paragraph (1)(B)(iii) in which the aggrieved individual has substantially prevailed, the court may assess against the respondent a reasonable attorney's fee and other litigation costs and expenses (including expert fees) reasonably incurred.

''(3) STATUTE OF LIMITATIONS.—No action may be commenced under this subsection more than 3 years after the date on which the violation was or should reasonably have been discovered by the aggrieved individual.

''(4) NONEXCLUSIVE REMEDY.—The remedy provided under this subsection shall be in addition to any other lawful remedy available to the individual.

''(f) CIVIL MONEY PENALTIES.—

''(1) IN GENERAL.—Any person who the Commissioner of Social Security determines has violated this section shall be subject, in addition to any other penalties that may be prescribed by law, to—

''(A) a civil money penalty of not more than $5,000 for each such violation, and

''(B) a civil money penalty of not more than $50,000, if violations have occurred with such frequency as to constitute a general business practice.

''(2) DETERMINATION OF VIOLATIONS.—Any willful violation committed contemporaneously with respect to the social security numbers of 2 or more individuals by means of mail, telecommunication, or otherwise shall be treated as a separate violation with respect to each such individual.

''(3) ENFORCEMENT PROCEDURES.—The provisions of section 1128A (other than subsections (a), (b), (f), (h), (i), (j), and (m), and the first sentence of subsection (c)) and the provisions of subsections (d) and (e) of section 205 shall apply to civil money penalties under this subsection in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a), except that, for purposes of this paragraph, any reference in section 1128A to the Secretary shall be deemed a reference to the Commissioner of Social Security.

''(4) COORDINATION WITH CRIMINAL ENFORCEMENT.—The Commissioner of Social Security shall take such actions as are necessary and appropriate to assure proper coordination of the enforcement of the provisions of this section with criminal enforcement under section 1028 of title 18, United States Code (relating to fraud and related activity in connection with identification documents). The Commissioner shall enter into cooperative arrangements with the Federal Trade Commission under section 5 of the Identity Theft and Assumption Deterrence Act of 1998 (18 U.S.C. 1028 note) for purposes of achieving such coordination.

''(g) LIMITATION ON REGULATION BY STATES.—No requirement or prohibition may be imposed under the laws of any State with respect to any subject matter regulated under subsections (a) through (d).

''(h) DEFINITIONS.—In this section, the term 'display to the general public' means the intentional placing of an individual's social security number, or identifying portion thereof, in a viewable manner on a web site that is available to the general public or in material made available or sold to the general public.''.

(b) EFFECTIVE DATE.— The amendment made by subsection (a) applies with respect to violations occurring on and after the date which is 2 years after the date of enactment of this Act.

By Mr. KERREY (for himself and Mr. HATCH):

S. 2555. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income of individual taxpayers discharges of indebtedness attributable to certain forgiven residential mortgage obligations; to the Committee on Finance.

MORTGAGE CANCELLATION RELIEF ACT OF 2000

Mr. KERREY. Mr. President, today I am introducing legislation to correct an inequity in the tax code which can hurt homeowners who sell their homes at a loss. I am delighted to be joined by Senator HATCH in introducing this legislation.

We all know someone who, for whatever reason, has wound up selling their home at a loss. In these situations, where the value of a home is less than the outstanding loan on that home, a mortgage lender will sometimes forgive all or part of the outstanding mortgage balance. Under current law, the amount forgiven is counted as taxable income to the seller.

This doesn't make any sense, particularly since gains on a principal residence are tax exempt up to $500,000. The legislation we are introducing today will fix this problem by exempting taxpayers from including in ordinary income mortgage amounts forgiven by the lender on a principal residence, provided the proceeds of the home sale won't satisfy the qualified outstanding mortgage.

The legislation we are introducing today is targeted to protect against any abuse and we expect the cost to be very low over a 10-year period. I urge my colleagues to join us in cosponsoring this legislation.

Mr. HATCH. Mr. President, I stand before the Senate today to urge my colleagues to support a bill, the Mortgage Cancellation Act of 2000, that I am introducing along with Senator KERREY. This bill would fix a flaw in the tax code that unfairly harms homeowners who sell their home at a loss.

Often, homeowners who must sell their home at a loss are able to negotiate with their mortgage lender to forgive all or part of the mortgage balance that exceeds the selling price. However, under current tax law, the amount forgiven is taxable income to the seller.

For example, suppose a young family purchased their home for $150,000 with a $130,000 mortgage, $120,000 of which is still outstanding. Let us also assume that there is an economic downturn that has both decreased the value of the house to $110,000 and put this family in financial distress because the primary wage earner has lost his or her job. Because the family is no longer able to meet their mortgage payments, they are forced to sell their home for $110,000, $10,000 below the value of the mortgage, with the condition that the lender will forgive this difference. Unfortunately, under current tax law, this family will have to recognize this $10,000 difference as taxable income at a time when they can least afford it. This is true even though the family suffered a $40,000 loss on the sale.

Mr. President, I find this predicament both ironic and unfair. If this same family, under much better circumstances, was able to sell their house for $200,000 instead of $110,000, then they would owe nothing in tax on the gain under current tax law because gains on a principal residence are tax exempt up to $500,000. I believe that this discrepancy creates a tax inequity that begs for relief.

Finally, I want to stress that now is the time to address the inequity, while the economy is healthy, instead of waiting for the next recession, when this problem will be much more common. Luckily, the problem addressed by this bill is not widespread in our country right now. However, a few years ago, many families in my home state of Utah suffered losses on the necessary sale of their homes, and had to pay taxes on the canceled mortgage debt. Families in other areas of our nation experienced similar problems.

So, Mr. President, I urge my colleagues to join with Senator KERREY and me in support of this bill.

By Mr. MACK (for himself and Mr. BREAUX):

S. 2556. A bill to make technical amendments to the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 regarding the implementation of the per diem prospective payment system for psychiatric hospitals; to the Committee on Finance.

LEGISLATION MAKING TECHNICAL AMENDMENTS TO THE MEDICARE, MEDICAID, AND SCHIP BALANCED BUDGET REFINEMENT ACT OF 1999

• Mr. MACK. Mr. President, I ask unanimous consent that a copy of the legislation I am introducing today with my colleague, Senator BREAUX, be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2556

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TECHNICAL AMENDMENTS TO THE BBRA.

(a) PER DIEM PROSPECTIVE PAYMENT SYSTEM FOR PSYCHIATRIC HOSPITALS.—Section 124 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (113 Stat. 1501A–332), as enacted into law by section 1000(a)(6) of Public Law 106–113, is amended—

(1) in subsection (b), by striking ''October 1, 2001'' and inserting ''October 1, 2000''; and

(2) in subsection (c), by striking ''October 1, 2002'' and inserting ''October 1, 2001''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of section 124 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (113 Stat. 1501A–332), as enacted into law by section 1000(a)(6) of Public Law 106–113.•

ADDITIONAL COSPONSORS

S. 741

At the request of Mr. GRAHAM, the names of the Senator from New Jersey (Mr. TORRICELLI) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 741, a bill to provide for pension reform, and for other purposes.

S. 1333

At the request of Mr. WYDEN, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 1333, a bill to expand homeownership in the United States.

S. 1361

At the request of Mr. STEVENS, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 1361, a bill to amend the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation, relief, and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions, and for other purposes.

S. 1562

At the request of Mr. NICKLES, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 1562, a bill to amend the Internal Revenue Code of 1986 to classify certain franchise operation property as 15-year depreciable property.

S. 1638

At the request of Mr. ASHCROFT, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1638, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend the retroactive eligibility dates for financial assistance for higher education for spouses and dependent children of Federal, State, and local law enforcement officers who are killed in the line of duty.

S. 1732

At the request of Mr. BREAUX, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Virginia (Mr. ROBB) were added as cosponsors of S. 1732, a bill to amend the Internal Revenue Code of 1986 to prohibit certain allocations of S corporation stock held by an employee stock ownership plan.

S. 1805

At the request of Mr. KENNEDY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1805, a bill to restore food stamp benefits for aliens, to provide States with flexibility in administering the food stamp vehicle allowance, to index the excess shelter expense deduction to inflation, to authorize additional appropriations to purchase and make available additional commodities under the emergency food assistance program, and for other purposes.

S. 1810

At the request of Mrs. MURRAY, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1810, a bill to amend title 38, United States Code, to clarify and improve veterans' claims and appellate procedures.

S. 2044

At the request of Mr. CAMPBELL, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2044, a bill to allow postal patrons to contribute to funding for domestic violence programs through the voluntary purchase of specially issued postage stamps.

S. 2045

At the request of Mr. HATCH, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2045, a bill to amend the Immigration and Nationality Act with respect to H–1B nonimmigrant aliens.

S. 2064

At the request of Mr. EDWARDS, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 2064, a bill to amend the Missing Children's Assistance Act, to expand the purpose of the National Center for Missing and Exploited Children to cover individuals who are at least 18 but have not yet attained the age of 22.

S. 2065

At the request of Mr. EDWARDS, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 2065, a bill to authorize the Attorney General to provide grants for organizations to find missing adults.

S. 2068

At the request of Mr. FITZGERALD, his name was added as a cosponsor of S. 2068, a bill to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations.

S. 2071

At the request of Mr. GORTON, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2071, a bill to benefit electricity consumers by promoting the reliability of the bulk-power system.